

MORNING APPEAL.

FRIDAY, FEBRUARY 11, 1879.

NEVADA LEGISLATURE—NINTH SESSION.

Senate—Thirty-Ninth Day.

CARSON CITY, February 12, 1879.

The Senate convened at 11 o'clock with President in the Chair. Quorum present. Prayer by Rev. Mr. McLain. Minutes of previous day read and approved.

Leave of absence granted Mr. Dayton for one day.

REPORTS OF COMMITTEES.

Schultz, from Committee on Claims—Unfavorably on Act for the relief of C. A. Witherell and Benj. Edson; also for relief of Capt. Matthewson without recommendation; also for the relief of Jerry Schooling, favorably.

By Boardman, from Judiciary Committee—Favorably on the Act to admit to probate the will of Thomas Sheehan, also, favorably an Act for the better protection of the agricultural interest of the State; also, favorably on a substitute for Senate bill 76, to regulate proceedings in criminal cases.

By Meder, from Committee on Enrollment—That two bills previously reported have been correctly enrolled.

By Gallagher, from Committee on Military and Indian Affairs—Without recommendation. Act to provide ammunition for the Militia of this State.

By Comins, from Committee on Ways and Means—Favorably on Act authorizing the Orphans' Home Board to take charge of and use all gifts; also favorably on Act abolishing the office of County Superintendent of Schools, with amendments.

By Shepherd, from Committee on Agriculture—Favorably an act to prevent tearing down enclosures; also favorably on Assembly bill 3 for the preservation of fish in the waters in this State.

By Stone, from Special Committee of Elko County Delegation—Favorably on Act to provide for building a county jail.

By Cassidy, from Special Committee of Eureka County Delegation—Recommending a substitute for Act authorizing the building of a court house in that county.

By Farrell, from Committee on Railroads—Without recommendation, Assembly concurrent resolution request a report from local railroads.

MOTIONS AND RESOLUTIONS.

By King—that on and after Monday next the Senate will convene at 10:30 A. M. Adopted.

NOTICES.

By Westerfield, of an Act to regulate attorneys fees in certain cases.

BILLS INTRODUCED.

By Cassidy (without notice)—To prohibit the Controller from drawing warrants in certain cases. Referred to Committee on Ways and Means.

By Comins—For the relief of Ben Kimball and Geo. Swallow. (Allows the payment of \$300 to Kimball and Swallow for hay, grain, etc., furnished to soldiers during the Indian outbreak.) Referred to Committee on Claims.

By Wheeler—A substitute for Assembly bill 63, providing for employment of convict labor in counties of the State. Referred to Committee on Corporations and ordered printed.

By McConnell (without notice)—To define the rights of persons in certain public places. Referred to Judiciary Committee.

By Boardman (without notice)—To amend an Act to provide for the erection of partition fences. (Similar to the other introduced early in the session.) Referred to Judiciary Committee.

By Boardman (without notice)—To amend sections 551 and 554 of an Act to regulate proceedings in criminal cases. Referred to Judiciary Committee.

GENERAL FILE.

Senate bill 61, to provide the Land Office with a seal. Amended appropriating for such purpose, ordered engrossed and referred to Committee of the Whole.

Mr. King gave notice of a motion to reconsider the vote whereby the engrossment of Senate bill 61 was ordered.

Comins' Senate bill 96 for the relief of insolvent debtors and protection of creditors. Ordered engrossed.

Boardman's Senate bill 97, to amend the Homestead Act, providing for exemption from forced sale in certain cases. Ordered engrossed.

Stone's Senate bill 100, to amend the Act to create a Board of County Commissioners, by raising the salary of the Clerk of said Board from \$100 to \$200 a year. Laid on the table temporarily.

Allen's (of Lincoln) Assembly bill 14, supplemental to the Orphans' Home Act, providing for the admission of children of divorced parents in indigent circumstances. Passed. Ayes, 15, noes 7.

Mr. Martin gave notice that he would move a reconsideration on to-morrow.

Hanna's Assembly bill 27, to prohibit the employment of Chinese on public works in this State, and also from employment of such labor by corporations.

Mr. Westerfield moved indefinite postponement. Lost.

Mr. King moved to lay on the table. Lost.

Mr. Cassidy did not want the bill disposed of in that manner. He hoped it would pass.

Mr. Farrell opposed it as unjust in its provisions as regarded corporations.

Mr. Comins desired the bill to pass, as he thought it would prove that the people were in earnest in their desire to discourage Chinese immigration.

Mr. Stewart hoped it would pass as a check at least upon this evil. He protested that Democrats as well as Republicans decried this evil and had always done so.

Mr. Cresswell heaped his sarcasm upon those members who had indulged in political buncumb, and then relieved his mind concerning certain leading Republicans of the country, who never even heard of this young statesman, making so much of a political speech that he did not express his sentiment upon the pending bill.

Mr. Cassidy moved to recommit the bill to the Committee on Federal Relations with instructions to amend so as to apply to corporations now existing in this State from and after the passage of this bill.

Mr. Powning made a rattling speech, frequently interrupted by Democrats, setting his party right and showing up the acts of the Democratic party in the past.

Mr. Comins did not approve of the recommendation, as he thought the proposed amendment would be retroactive in its application to existing railroad corporations. This was denied by several Senators. Ayes and noes called on the question of recommitment with the following result:

Yeas—Boardman, Cassidy, Cresswell, Doolin, Gallagher, Kaiser, McConnell, Perley, Powning, Schultz, Shepherd, Stewart, Thompson—13.

Nays—Blair, Comins, Farrell, Gibson, King, Martin, Meder, Tonne, Westerfield—9.

On motion of Cassidy, at 12:50 recessed until 2 o'clock.

AFTERNOON SESSION.

President presiding.

GENERAL FILE.

Mayhugh's Assembly bill 51—Prohibiting the running at large of swine from April 10 to December 10. Passed.

Stewart's Senate bill 70—To protect the rights of owners of stock shares, by permitting visits to mines once in fourteen days.

Westerfield moved to make the bill a special order for next Monday at 1 P. M. Lost. Bill passed by the following vote:

Yeas—Boardman, Cassidy, Cresswell, Doolin, Gallagher, Gibson, Kaiser, Martin, Powning, Shepherd, Stewart, Stone, Thompson—13.

Nays—Blair, Comins, King, Meder, Perley, Schultz, Wheeler, Westerfield—8.

Smith's of Storey, Assembly bill No. 21—For the relief of Jerry Schooling—reimbursement for counterfeit money to the amount of \$73. Referred to Committee of the Whole.

Hagar's Assembly bill No. 45—To prevent the pulling down of fences and provides for payment of damages done to stock by hunters. Amended by striking out section 4, as not being so effective as the old law. Passed as amended.

Underwood's Assembly bill—For the better preservation of fish in waters of this State. (Prohibits catching of fish from April 20 to October 1, and against the use of explosives as a means of killing fish. Passed by unanimous vote.

Martin's Senate bill—To amend the Act authorizing the Governor to appoint a Private Secretary and raises his salary from \$200 to \$250 per month.

Mr. Meder moved to lay on the table. Lost.

Mr. Cresswell thought the bill as it now stands, retroactive, and moved to amend by making the bill take effect in regard to the present Private Secretary from and after the passage of the bill. Amendment adopted.

Mr. Blair moved to lay on the table. Agreed to.

Boardman's substitute Senate bill No. 76—To amend the Act regulating proceedings in civil cases. (Provides that when one party of an action is dead the other shall not be allowed to testify in said action.) Substitute adopted. Under suspension of the rules the bill was considered engrossed, put upon its final passage and passed by unanimous vote.

Powning's Senate bill No. 102—Granting certain powers to the Board of State Orphans' Home. (Authorizing the Board to invest money given to said institution, amended so that the donor may if he choose, select the manner of disposal of gift. Ordered engrossed.

Stone's Senate bill No. 63—To authorize Elko County to issue bonds for building county jail. Considered engrossed and passed.

Martin's Senate bill 16—To abolish the office of County Superintendent of Schools. Amended by putting duties upon County Clerk instead of County Commissioners. Ordered engrossed.

Cassidy's Senate bill 37—To provide for payment of certain bill for relief of Chas. Mitchell and Benj. Edson. Laid on the table.

Senate bill 57—For relief of Capt. Matthewson. Referred to Committee of the Whole.

Boardman's Senate bill 67—To admit to probate the will of Thomas Sheehan. Ordered engrossed.

Doolin's Senate bill—To provide ammunition for the militia of the State. Laid on the table.

Stewart's Senate bill 92, concerning crimes and punishments—Makes posting of advertisements and general disfigurements a misdemeanor. Ordered engrossed.

Blair's Senate bill 91—For better protection

tion of agricultural interests of this State. (Provides that stock raisers shall herd stock six months of the year.) Ordered engrossed.

Foulks' Assembly concurrent resolution—Relative to reports of railroad committees.

Cassidy moved indefinite postponement. Adopted.

MESSAGE FROM THE GOVERNOR.

Announcing his approval of an Act to provide for release of certain prisoners.

Also of Senate bill 51, concerning the duties of District Judges.

And his objections to Senate bill 3, relative to construction of a railroad in Elko county.

Mr. Cassidy moved that the veto message be made the special order for next Monday, at 2 o'clock P. M. Adopted.

Adjourned at 4 P. M.

Assembly—Thirty-Ninth Day.

Convened at 11 A. M. Speaker Gaston in the chair.

Prayer by Rev. Mr. Hammond.

PETITIONS.

By Plummer, from citizens of Elko for passage of the Act regulating freights and fares. Laid on table.

REPORTS OF COMMITTEES.

By Allen, from Judiciary Committee, favorably on Assembly bill 2, amending the Lien Law; also favorably on the Act amending the Civil Practice Act; also favorably on Assembly bill 8, amending the Lien Act; also without recommendation the Act to amend the County Commissioner Act; also favorably on Senate bill 29, amending the Act concerning county statistics; also favorably with amendments Senate bill 43, to prevent adulteration of milk.

By Smith of Storey, from Committee on Corporations and Railroads, favorably Assembly bill 83, granting right of way for a railroad from Mount Rose District to Martin Creek in Humboldt County.

By Plummer, from Committee on Claims, favorably on Assembly bill 91, for relief of Hank Knight, Assessor of Eureka County, for copying militia roll.

By Wilson, from Committee on Education, favorably with amendments Assembly bill 70, abolishing the office of County Superintendent of Schools.

By Morrison, from Committee on State Prison, favorably Assembly bill 74, amending State Prison Act; also without recommendation Senate bill 74, to amend the State Prison Act.

By Lyons, from Committee on Enrollment, as correctly enrolled several bills heretofore reported as acted upon.

By Allen of Lincoln, from Select Committee on Gambling, recommending the indefinite postponement of Crawford's Assembly bill 10, and passage of Allen's (of Lincoln) Assembly bill 25 with amendments.

By Watt, from Special Committee to investigate charges as to lobby on certain measures, reported that they had learned from various sources that there had been and was yet practiced a system of "log-rolling" or trading of votes among members that is pernicious and reprehensible in the highest degree and dangerous to the enactment of just and wholesome laws. This system is to a certain extent forced upon some by threats of the defeat of their own bills, without any consideration for their merits. "Especially was this 'bulldozing' process conspicuous in the history of the insane asylum project." Report adopted and committee discharged.

MOTIONS AND RESOLUTIONS.

By Plummer—To pay Greenlaw \$48 40 for copying report of State Commissioners of Insane. Adopted.

By Crawford—Whereas certain penalties attached from the non-payment of the proceeds of the California and Con. Virginia mining companies for the second and third quarters of 1876; whereas, such penalties, amounting to \$125,000, is due the State of Nevada and Storey County, and has not been paid and vague reports are in circulation as to a compromise or abatement of said penalty, therefore be it

Resolved, That a committee of three be appointed with authority to investigate the facts and rumors connected with said penalties and report the same to this body on or before the 18th instant. Adopted.

MESSAGE FROM THE GOVERNOR.

Transmitting his approval of Assembly bill 56, providing for the deficiencies in the appropriations of 13th and 14th fiscal years.

Also Assembly bill 29, to regulate fares and freights (the Williams-Regan Bill). On the announcement of the approval by the Governor's Private Secretary the House applauded.

BILLS INTRODUCED.

By Wernuth—To encourage the boring of artesian wells. [Provides that any party sinking such well shall receive \$2 per foot for every foot deeper than 100 feet.] Referred to Committee on Public Lands.

By Lane—To amend the Revenue Act, reducing the license of theatrical managers one half the present. Referred to Committee on Ways and Means.

By Underwood—To secure safety to life from the use of steam on public conveyances. (Providing penalties for drunkenness of persons having charge of engines, moveable or stationary, where fatal accident may occur. Referred to Committee on Railroads and Corporations.

By Prisk—To amend section 220 of the Civil Practice Act. Referred to Judiciary Committee.

FROM THE SENATE.

Transferring unappropriated balance in the

State Building Fund to the General Fund of the State. Referred to Committee on Ways and Means.

On motion of Davies the special order of the day (Insane Asylum bill) was postponed until Friday at 1 P. M.

House adjourned until 2 P. M.

AFTERNOON SESSION.

Reconvened at 1 o'clock P. M. Speaker presiding.

The bill appropriating money to build an asylum being the order of the House it was taken up.

Mayhugh offered a substitute to section 9, making it clearer without changing its intent and limiting the cost of the building to \$100,000. Upon motion the bill was ordered engrossed.

The vote for the final passage of the bill was made a special order for to-day after the reading of the journal.

GENERAL FILE.

Assembly bill 46—To prohibit the transportation, manufacture and storage in certain instances of giant powder and other dangerous explosives. Passed—yeas, 31; noes, 16.

Assembly bill 76—To protect the rights of owners of stock shares in mines. Recommitted to Committee on Mines.

Assembly bill 79—To authorize the formation of corporations and provide the members thereof with homesteads or parcels of land suitable for homesteads. Made special order for the 17th instant at 1 P. M.

Assembly bill 52—To amend the Carson City Charter. Passed—yeas, 43; noes, 0.

Assembly bill 41—To prevent fraud at primary elections. Vote—yeas, 25; noes, 22.

Mayhugh gave notice that he would move for a reconsideration of the vote to-morrow.

Assembly 34—To create official reporters of courts. Referred to Committee of the Whole.

Assembly bill 38—An Act to exempt printing offices to the value of \$2,500 from execution.

Mr. Taylor, author of the bill, said in endorsement of the \$2,500 amendment that in his judgment it is protecting a class that deserve well of the people. Printers, of all men, have the hardest row to hoe to get along in the world and keep their heads above water, and the amendment is intended to help them to keep above disaster and help them pay their debts and make a living. The amendment exempts \$2,500 worth of printing material, which is barely enough to run a printing establishment. Bill passed.

Assembly bill 38—An Act to amend an Act to regulate proceedings in Civil Courts of the Courts of Justice of this State. Passed—yeas, 28; noes, 20.

Senate Bill 29—An Act to amend an Act entitled an Act to provide for obtaining correct statements of the financial condition of the several counties of this State. Passed—yeas, 29; noes, 8.

Senate bill—An Act to prevent adulteration of milk. Passed—yeas, 46; noes, 2.

Davies, by leave, introduced Assembly concurrent resolution No. 17:

Resolved, (If the Senate concur) That the Joint Committee of the Senate and Assembly concurring on Railroads be and it is hereby authorized to compel the appearance of persons and the exhibition of books and papers before said committee; and the Chairman of said committee is hereby authorized to administer oaths.

Speaker Gaston said he hoped the resolution would not pass.

Davies suggested that if the Speaker desired to argue the question he had better do so from the floor, not the chair.

Upon which Speaker Gaston left the chair, Speaker pro tem. Allen presiding.

Gaston answered Davies in somewhat of a personal manner.

Smith, of Lyon, moved to lay the resolution on the table.

Davies desired to be heard in answer to Gaston. Speaker pro tem. recognized Davies' right to the floor.

Gaston appealed from decision of the chair. Chair sustained by vote of 27 to 19.

Smith, of Lyon, renewed his motion to lay the resolution on the table. Lost by the following vote:

Yeas—Beard, Crawford, Fisk, Foulks, Ferguson, Hagar, Hanna, Harlow, Kennedy, Lyons of Storey, Mayhugh, Melarkey, Morrison, Plummer, Powell, Smith of Lyon, Smyth of Lander, Vansickle, Watt, Mr. Speaker—20.

Nays—Allen of Lincoln, Allen of Storey, Andrews, Davies, Eldred, Fisk, Flannery, Fulton, Gibson, Green, Howe, Lamb, Lane, Lawson, Lyon of White Pine, Paton, Price, Prisk, Shakespeare, Sharp, Smith of Eureka, Smith of Storey, Taylor, Underwood, Wernuth, Williams, Wilson—28.

Foulks offered an amendment that the bill known as the "Woodburn Bill" be returned to the House on Monday. Lost, by the following vote:

Yeas—Beard, Crawford, Foulks, Fraser, Ferguson, Hagar, Hanna, Harlow, Irvine, Kennedy, Lyons of Storey, Mayhugh, Melarkey, Morrison, Plummer, Price, Smith of Lyon, Smyth of Lander, Watt, Mr. Speaker—20.

Nays—Allen of Lincoln, Allen of Storey, Andrews, Davies, Eldred, Fisk, Flannery, Fulton, Gibson, Green, Howe, Lamb, Lane, Lawson, Lyon of White Pine, Paton, Powell, Prisk, Shakespeare, Sharp, Smith of Eureka, Smith of Storey, Taylor, Underwood, Vansickle, Wernuth, Wilson—27.

Smith, Plummer and Mayhugh called for the Ayes and Noes upon the question of the adoption of the resolution, which was lost by the following vote:

Yeas—Allen of Lincoln, Allen of Storey, Andrews, Davies, Eldred, Fisk, Fulton, Gu-

son, Green, Howe, Irvine, Lane, Paton, Prisk, Shakespeare, Sharp, Smith of Eureka, Smith of Storey, Taylor, Underwood, Wernuth, Wilson—22.

Nays—Beard, Crawford, Flannery, Foulks, Fraser, Ferguson, Hagar, Hanna, Harlow, Kennedy, Lamb, Lawson, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarkey, Morrison, Plummer, Powell, Price, Smith of Lyon, Smyth of Lander, Vansickle, Watt, Williams, Wilson—26.

Adjourned to the usual hour.

San Francisco Stock Exchange Sales

MORNING BOARD.

Opine	39 1/2	39
Mexican	39 3/4	38 3/4
Gould & Curry	15 1/4	15
Best & Bolcher	25 1/4	25
California	7 1/2	7 1/2
Consolidated Virginia	7 1/2	7 1/2
Chollar Potosi	48	48
Hale & Norcross	18 1/4	18 1/4
Crown Point	6 1/2	6 1/2
Yellow Jacket	2 1/2	2 1/2
Savage	1 1/2	1 1/2
Alpha	1 1/2	1 1/2
Belcher	5 1/2	5 1/2
Confidence	18 1/2	18 1/2
Imperial	1 1/2	1 1/2
Kentuck	6 1/2	6 1/2
Sierra Nevada	48 3/4	47 3/4
Utah	18 1/2	18
Bullion	8 1/2	8 1/2
Eschbacher	7 1/2	7 1/2
Seg. Bolcher	23 1/2	23 1/2
Overman	11 1/2	12
Justice	5 1/2	5 1/2
Sincor	1	1
Union Consolidated	61 1/2	61 1/2
Alta	7 1/2	7 1/2
Julia Bryan	1 50	1 50
Julia	4 25	4 25
Caledonia	3 1/2	3 1/2
Phil Sheridan	2 1/2	2 1/2
Challenge	4 05	4 05
Silver Hill	2 25	2 25
Santa Ana	2 1/2	2 1/2
New York Cons.	8 1/2	8 1/2
St. Louis	5 00	5 00
Leviathan	6 00	6 00
Andes	3 00	3 00
North Con. Virginia	2 1/2	2 1/2
Lady Washington	2 1 1/2	2 1 1/2
Benton	5 1/2	5 1/2
Flourery	4 1/2	4 1/2
W. Fargo	1 1/2	1 1/2
Solid Silver	7 00	7 00
N. Botanza	2 1 1/2	2 1 1/2
Ward	1 1/2	1 1/2
Scorpion	1 1/2	1 1/2
Baltimore	1	1
Kosuth	2 1/2	2 1/2
M. Star	2 1/2	2 1/2
Douglas	6 00	6 00
Plumas	1 1/2	1 1/2
Danlanes	4 00	4 00

EVENING BOARD.

Raymond & Ely	6 1/2	7
Eureka Cons.	25 1/4	25
Jackson	7 1/2	7 1/2
Northern Belle	5 1/2	5 1/2
Highbridge	1 1/2	1 1/2
B. Isle	2 00	2 00
Grand Prize	3 1/2	3 1/2
Belmont	4 00	4 00
Manhattan	2 1/2	2 1/2
Argenta	7 1/2	7 1/2
Mono	2 1 1/2	2 1 1/2
Bodie	7 1/2	7 1/2
Naval	2 00	2 00
Rulwer	10 1/2	10 1/2
Paradise	2 04	2 04
Hawes	1 1/2	1 1/2
Hillside	2 1/2	2 1/2
Pacific	1 1/2	1 1/2
Bechtel	6 00	6 00
Dudley	9 00	9 00
Tuesi	1 00	1 00
Goodshaw	4 00	4 00
G. Terrace	5 1/2	5 1/2
Tiptop	1 20	1 20
Toy	2 00	2 00
M. White	5 1/2	5 1/2
McClinton	5 00	5 00
Star	3 00	3 00
Sunmark	2 2 1/2	2 2 1/2
Endowment	2 00	2 00
Independence	1 75	1 75
Bethwee	5 00	5 00
Essex	2 50	2 50
Silver Kin	2 00	2 00